

PTO/SB/08b (10-05)

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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	07/827,906-Conf. #3375
		Filing Date	January 30, 1992
		First Named Inventor	Kenneth A. Barton
		Art Unit	1638
		Examiner Name	A. R. Kubelik
Sheet 1 of 14	Attorney Docket Number	28079/41338	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1*	US-4,356,270	10-26-1982	Itakura	
	A2*	US-4,448,885	05-15-1984	Schnepf et al.	
	A3*	US-4,771,131	09-13-1988	Herrnstadt et al.	
	A4*	US-4,943,674	07-24-1990	Houck et al.	
	A5*	US-5,082,767	01-21-1992	Hatfield et al.	
	A6*	US-5,250,515	10-05-1993	Fuchs et al.	
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	A8*	US-5,270,200	12-14-1993	Sun et al.	
	A9*	US-5,495,071	02-27-1996	Fischhoff et al.	
	A10*	US-5,496,732	03-05-1996	Smigocki et al.	
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	A13*	US-5,567,862	10-22-1996	Adang et al.	
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	A15*	US-5,689,052	11-18-1997	Brown et al.	
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	A22*	US-6,284,949	09-04-2001	Fischhoff et al.	
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	A24*	US-6,403,865	06-11-2002	Koziel et al.	
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	A29*	US-07/286,002	12-19-1988		
	A30*	US-07/286,087	12-19-1988		
	A31*	US-07/320,195	03-07-1989		

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	B1	AU-B-46881/89	06-21-1990	CIBA-GEIGY AG	
	B2	EP-0063949	11-03-1982	The Board of Regents of the University of Washington	
	B3	EP-0108580	05-16-1984	Standard Oil Company	
	B4	EP-0126546	03-30-1984	Lubrizol Genetics, Inc.	✓

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	B5	EP	0140556	05-08-1985	Agrigentic Res. Ass.	
	B6	EP	0159884	10-30-1985	Agrigentic Res. Ass.	
	B7	EP	0431829	06-12-1991	Agracetis, Inc.	
	B8	EP	0275957	07-27-1988	Hoescst AG	
	B9	EP	0318143	05-31-1989	Lubrizol Genetics, Inc.	
	B10	EP	0359472	03-21-1990	Mycogen Plant Science, Inc.	
	B11	EP	0612848	08-31-1994	Sandoz Erfindungen Verwaltungsgesellschaft M.B.H.	
	B12	JP	63137684	08-09-1988	Sumitomo Chem. Co. Ltd.	
	B13	JP	1104177	04-21-1989	Sumitomo Chem. Co. Ltd.	
	B14	WO	8808880	11-17-1988	Ecogen, Inc.	
	B15	WO	9010076	09-07-1990	Monsanto Company	
	B16	WO	9015139	12-15-1990	Plant Genetics Systems, N.V.	
	B17	WO	9110725	07-25-1991	Biotechnica International, Inc.	✓
	B18	WO	9307278	04-15-1993	CRA-GEIGY AG	✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	C1	Adami et al., "Adenovirus mRNA Processing - In a Regulated Manner a Splice Site Choice Dominates Over Selection of a Poly A Site Located in an Intron," <i>RNA Processing Meeting</i> , pp. 26, May 11-15 (1988).	
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	C3	Adang et al., "Engineering Crop Plants for Insect Resistance," <i>154th National American Assoc. Adv. Sci.</i> , pp.59, Feb. 11-15 (1988).	
	C4	Adang et al., "Expression of a <i>Bacillus Thuringiensis</i> Insecticidal Crystal Protein Gene in Tobacco Plants," <i>Mol. Strat. Crop Protec.</i> , 345-353 (1987).	
	C5	Adang et al., "The Reconstruction and Expression of a <i>Bacillus Thuringiensis</i> CryIIIA Gene in Protoplasts and Potato Plants," <i>Plant Mol. Biol.</i> , 21:1131-1145 (1993).	
Examiner Signature	/Anne Kubelik/		Date Considered 02/02/2009

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	C6	Aota et al., Codon Usage Tabulated from the GenBank Genetic Sequence Data," <i>Nucl. Acids Res.</i> , 16(Supp): r315-r402 (1988).	
	C7	Aronson et al., " <i>Bacillus Thuringiensis</i> and Related Insect Pathogens," <i>Microbiol. Rev.</i> , 50(1):1-24 (1986).	
	C8	Audtho et al., "Production of Chymotrypsin-Resistant <i>Bacillus Thuringiensis</i> Cry2Aa1 δ -Endotoxin by Protein Engineering," <i>Appl. Environ. Microbiol.</i> , 65(10):4601-4605 (1999).	
	C9	Barker et al., "Nucleotide Sequence of the T-DNA Region from the <i>Agrobacterium tumefaciens</i> Octopine Ti Plasmid pTi15955," <i>Plant Mol. Biol.</i> , 2:335-350 (1983).	
	C10	Barton et al., "Production of <i>Bacillus Thuringiensis</i> Insecticidal Proteins in Plants," <i>Transgenic Plants</i> , 1:297-315 (1993).	
	C11	Barton et al., "Prospects in Plant Genetic Engineering," <i>Science</i> , 219:671-676 (1983).	
	C12	Barton et al., "Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny," <i>Cell</i> , 32:1033-1043 (1983).	
	C13	Bashe et al., "Codon Usage Table for Maize Based on Sequences of 25 Nuclear Genes," 63 <i>Maize Genetics Cooperation Newsletter</i> (1989).	
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	C18	Boudraa, "Coding Strategy Variation in the Plant System," <i>Genet. Sel. Evol.</i> , 19:143-154 (1987).	
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	C26	Caplan et al., "Introduction of Genetic Material into Plant Cells," <i>Science</i> , 222:815-821 (1983).	
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	C28	Chilton, "A Vector for Introducing New Genes into Plants," <i>Scientific American</i> , 248:51-59 (1983).	
	C29	Church et al., "Genomic Sequencing," <i>PNAS USA</i> , 82:1991-1995 (1984).	
	C30	Conway et al., "Identification of Bases and Phosphates of SV40 Late Pre-mRNAs that are Required for 3' End Formation <i>In Vitro</i> ," <i>RNA Processing Meeting</i> , pp.40, May 11-15 (1988).	
	C31	Daar et al., "Premature Translation Termination Mediates Mammalian mRNA Degradation," <i>RNA Processing Meeting</i> , pp.45, May 11-15 (1988).	
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	C46	Fraley et al., "Use of a Chimeric Gene to Confer Antibiotic Resistance to Plant Cells," <i>Molecular Genetics of Plants and Animals, Miami Winter Symposium</i> , 22:211-221 (1983).	
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	C48	Fujimura et al., "Regeneration of Rice Plants from Protoplasts," <i>Plant Tissue Culture Lett.</i> , 2(2):74-75 (1985).	
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		Filing Date	January 30, 1992
		First Named Inventor	Kenneth A. Barton
		Art Unit	1638
		Examiner Name	A. R. Kubelik
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		Filing Date	January 30, 1992
		First Named Inventor	Kenneth A. Barton
		Art Unit	1638
		Examiner Name	A. R. Kubelik
		Attorney Docket Number	28079/41333
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	C199	Wong et al., "Cloning and Nucleotide Sequence of the Gene Coding for a 135-KDAL Protein of <i>Bacillus Thuringiensis Aizawai</i> ," <i>XXI Ann. Meeting Soc. Inv. Pathol., USCD</i> , pp.27(13), Aug. 14-18 (1988).	
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	C207	Pazuniak, George; Letter to Gass, D., counsel for Monsanto dated August 14, 2008.	
	C208	Appendix A of Pazuniak's letter to Gass, Opposition decision, EP Patent No. 0 385 962, dated July 25, 2008.	
	C209	Annex I to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 413 019, dated November 16, 2005.	
	C210	Annex II to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 385 962, dated November 7, 2005.	
	C211	Annex III to Appendix A of Pazuniak's letter to Gass, Figures 2A, 3A, 4A, and 12A of European patent EP 0 413 019.	
	C212	Annex IV to Appendix A of Pazuniak's letter to Gass, Auxiliary Request II, EP 0 385 962, dated November 7, 2005.	
	C213	Appendix B of Pazuniak's letter to Gass, Minutes of the oral proceedings before the Opposition Division, EP-B-385962, dated November 16, 2005.	
	C214	Request for Opposition against European Patent EP-B-0 385 962 granted in the name of Monsanto Technology LLC by Aventis CropSciences N.V., July 18, 2001.	

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Sheet	14	of	14	Attorney Docket Number	28079/41383

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	C215	Request for Opposition against European Patent EP-B-0 385 962 by Dow Agrosciences LLC, dated April 18, 2002.	
	C216	Request for Opposition against European Patent EP-B-0 385 962 by Syngenta Ltd, dated April 11, 2002.	
	C217	Walker, Declaration of Keith A. Walker 37 C.F.R. § 1.152 filed on June 10, 1991 before the United States Patent and Trademark Office.	

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